
Public Notice

Applicant:

Town of
Department of Public Works

Date:

Brighton Published: July 25, 2002

Expires: August 23, 2002

**U.S. Army Corps
of Engineers**

In Reply Refer To:

Buffalo District **CELRB-TD-R RE:** 2002-00582(0) **Section:** NY 404

**Application for Permit under Authority of
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

The Town of Brighton Department of Public Works, 2300 Elmwood Avenue, Rochester, New York 14618, has applied for a Department of the Army permit to dredge and fill in an unnamed tributary of Allen Creek, in connection with cleaning out and improving the creek channel in two locations, in the Town of Brighton in Monroe County, New York.

At the first work site, near Buckland Avenue, the applicant is proposing to remove sediment and debris from the channel bed, in order to allow for better flow within the channel. This channel shall be cleaned for a length of about 200 feet, and a total of about 52 cubic yards of material shall be removed from the channel bed. This material shall be taken away to an upland site. In addition, the applicant shall place some material up on the creek banks, in order to re-shape the creek banks, and allow for better flow through the creek. About 10 cubic yards of material shall be placed up on the existing bank, for this re-shaping work. The dredging results only in incidental fallback of dredged material and is not subject to Section 404 permit requirements.

At the second work site, near Clover Street, the applicant is proposing to remove sediment and debris from the creek channel, to place stone fill on the channel bed, to re-shape the creek banks, and to remove an existing deteriorating retaining wall and replace it with about 70 feet of stone-filled gabion bank protection wall.

The applicant shall clean out a total of about 500 feet of creek channel, and shall remove a total of about 130 cubic yards of material from this channel. This spoil will be hauled away to an upland site. The applicant shall install fine stone fill material along the bed of the creek channel, in order to allow for better flow through the channel. About 156 cubic yards of fine stone fill shall be placed on to the channel bed. The banks of the creek shall be shaped, so that the creek can flow smoothly through the channel.

The applicant is also proposing to remove an existing deteriorating breakwall, and to replace this wall with about 70 feet of new stone-filled gabion basket wall.

The purpose of the work is to improve the creek flow through the channel, by improving the channel flow characteristics.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Mel R. Schroeder, who can be contacted by calling (716) 879-4307, or by e-mail at: mel.r.schroeder@usace.army.mil

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the New York State Department of Environmental Conservation.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199, and should be marked to the attention of Mel R. Schroeder, or by e-mail at: mel.r.schroeder@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

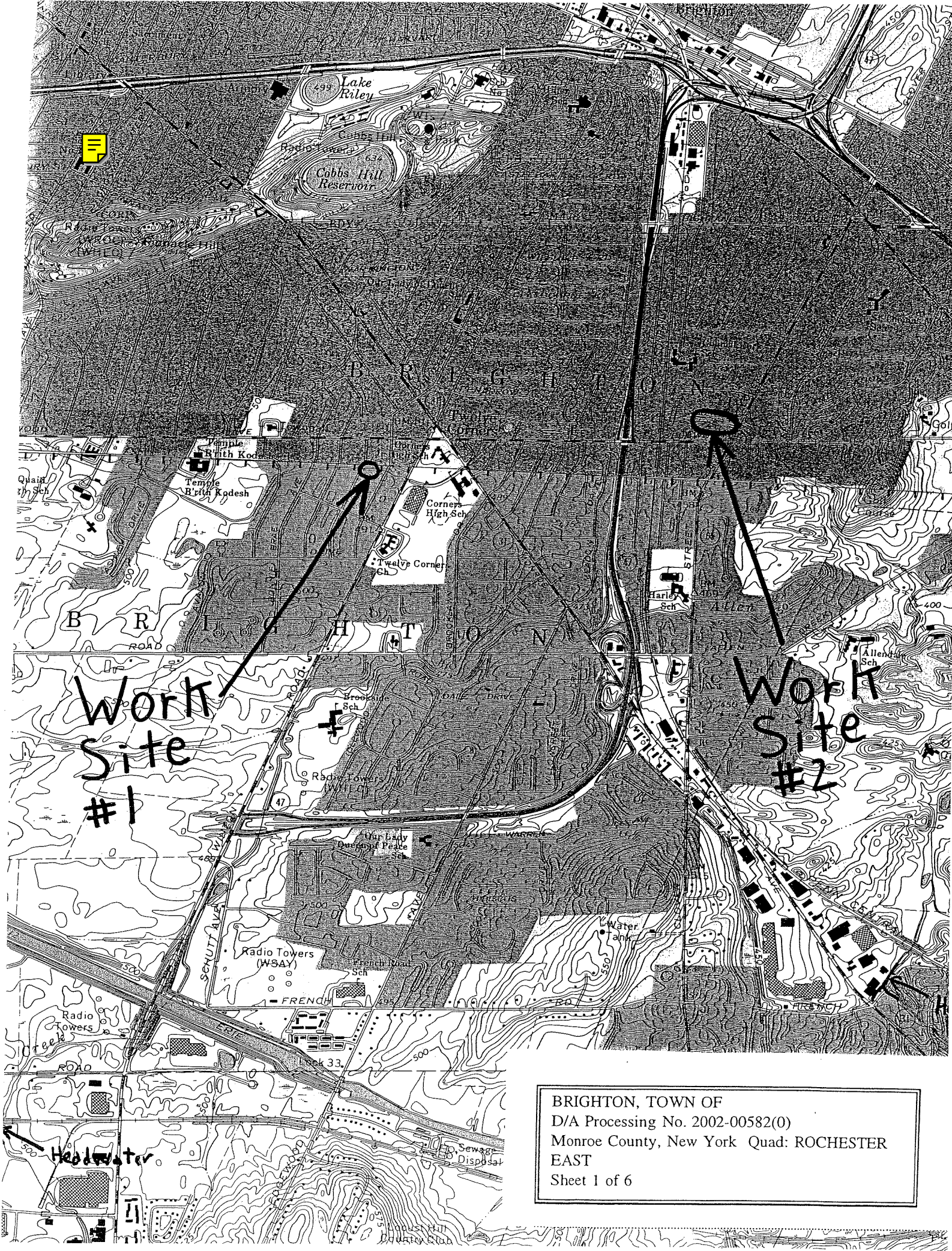
Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

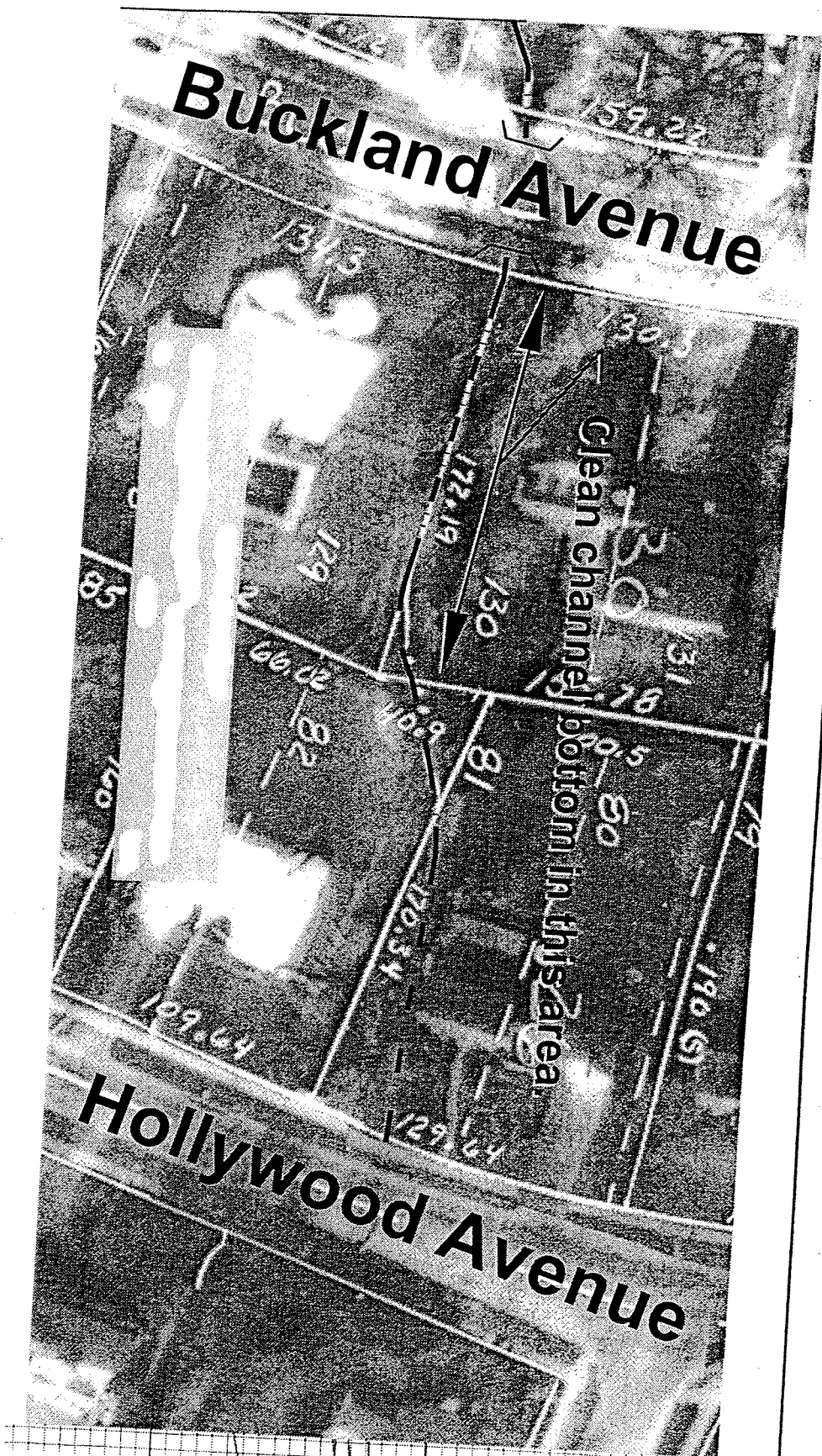
The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Paul G. Leuchner
Chief, Regulatory Branch

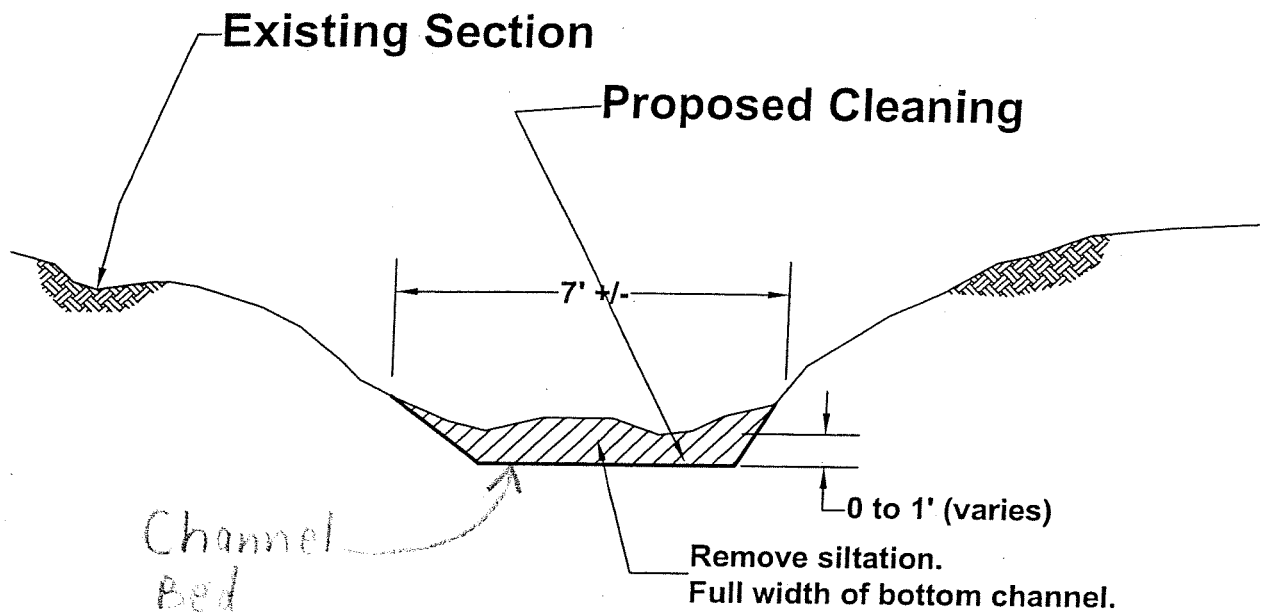
NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.



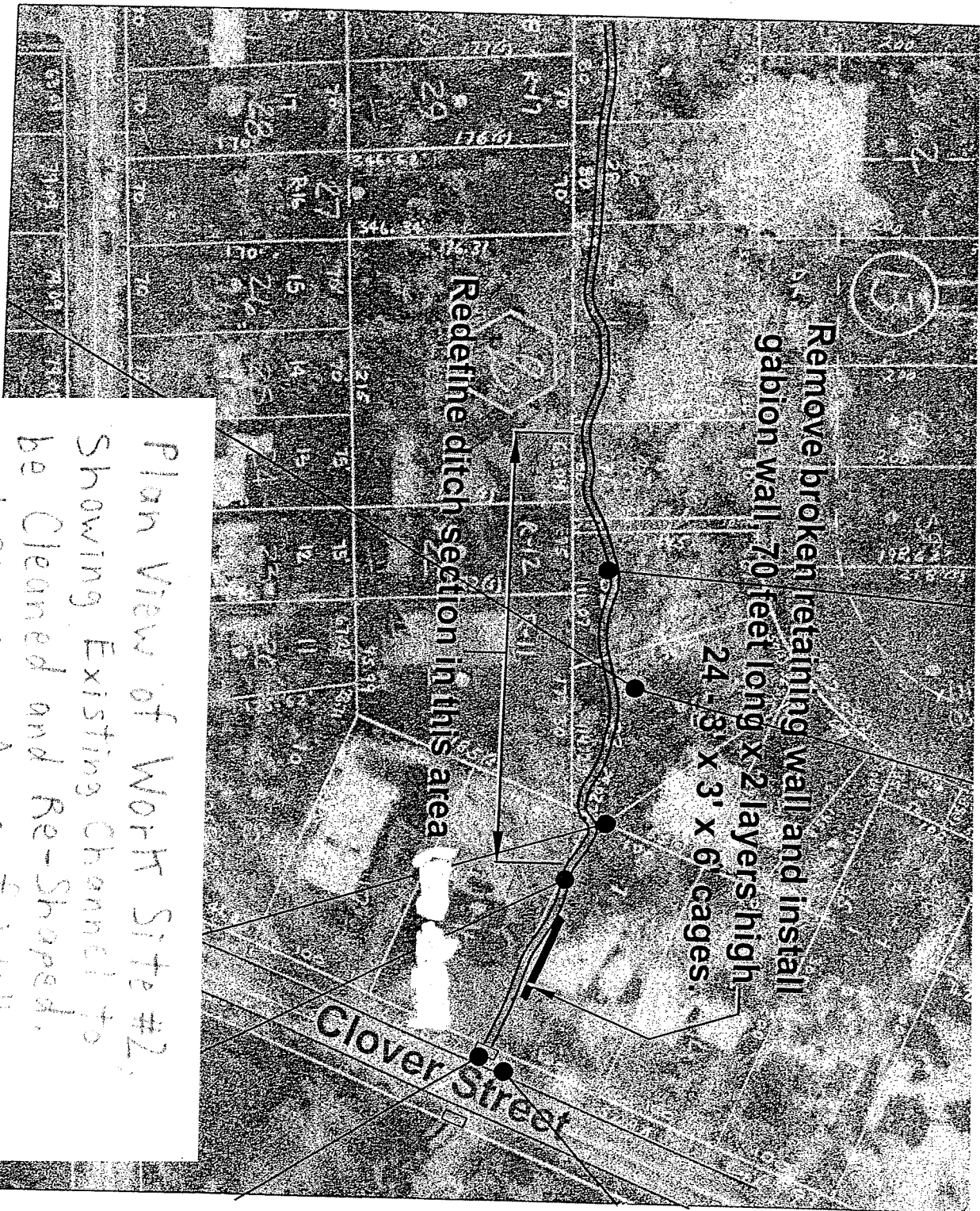
BRIGHTON, TOWN OF
D/A Processing No. 2002-00582(0)
Monroe County, New York Quad: ROCHESTER
EAST
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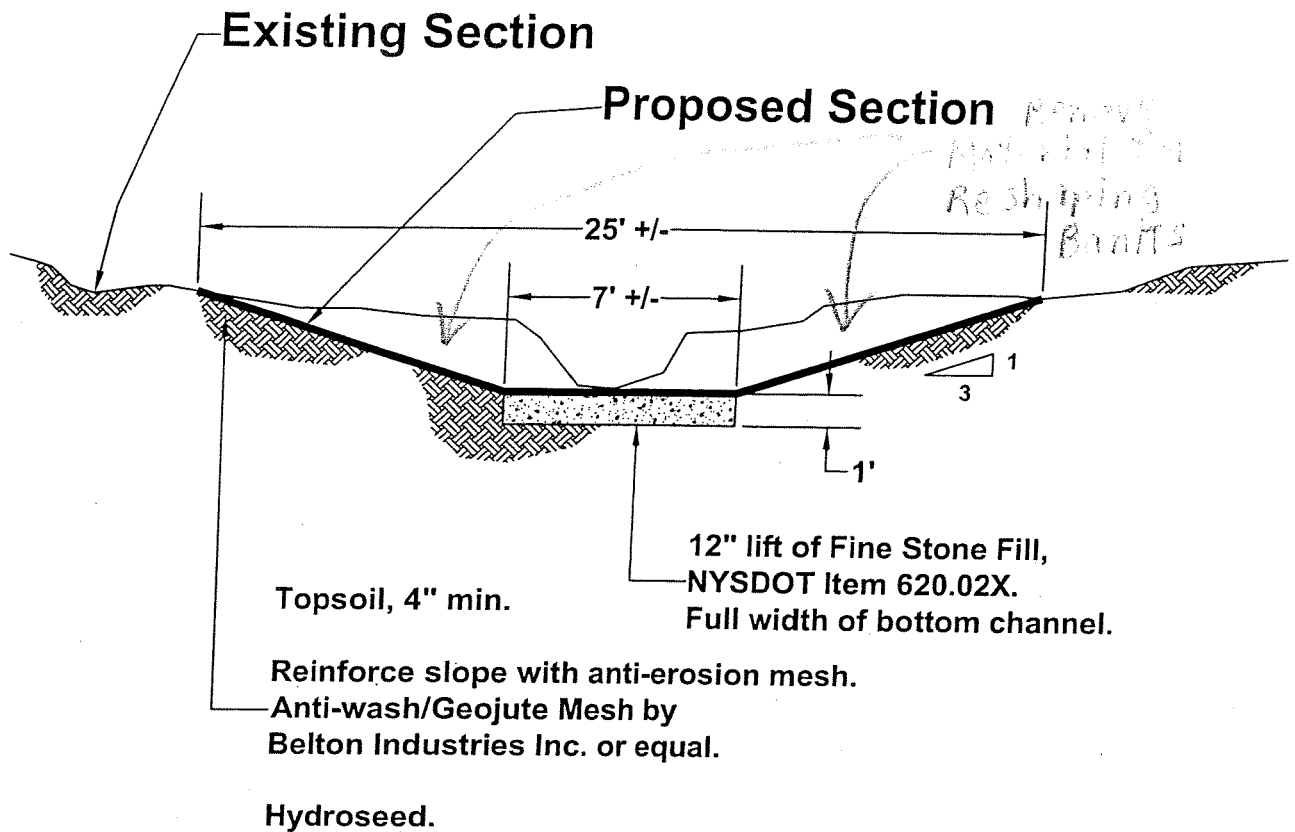
Plan View of Work Site #1
Showing Existing Channel
to be Cleaned (Not to
Scale)



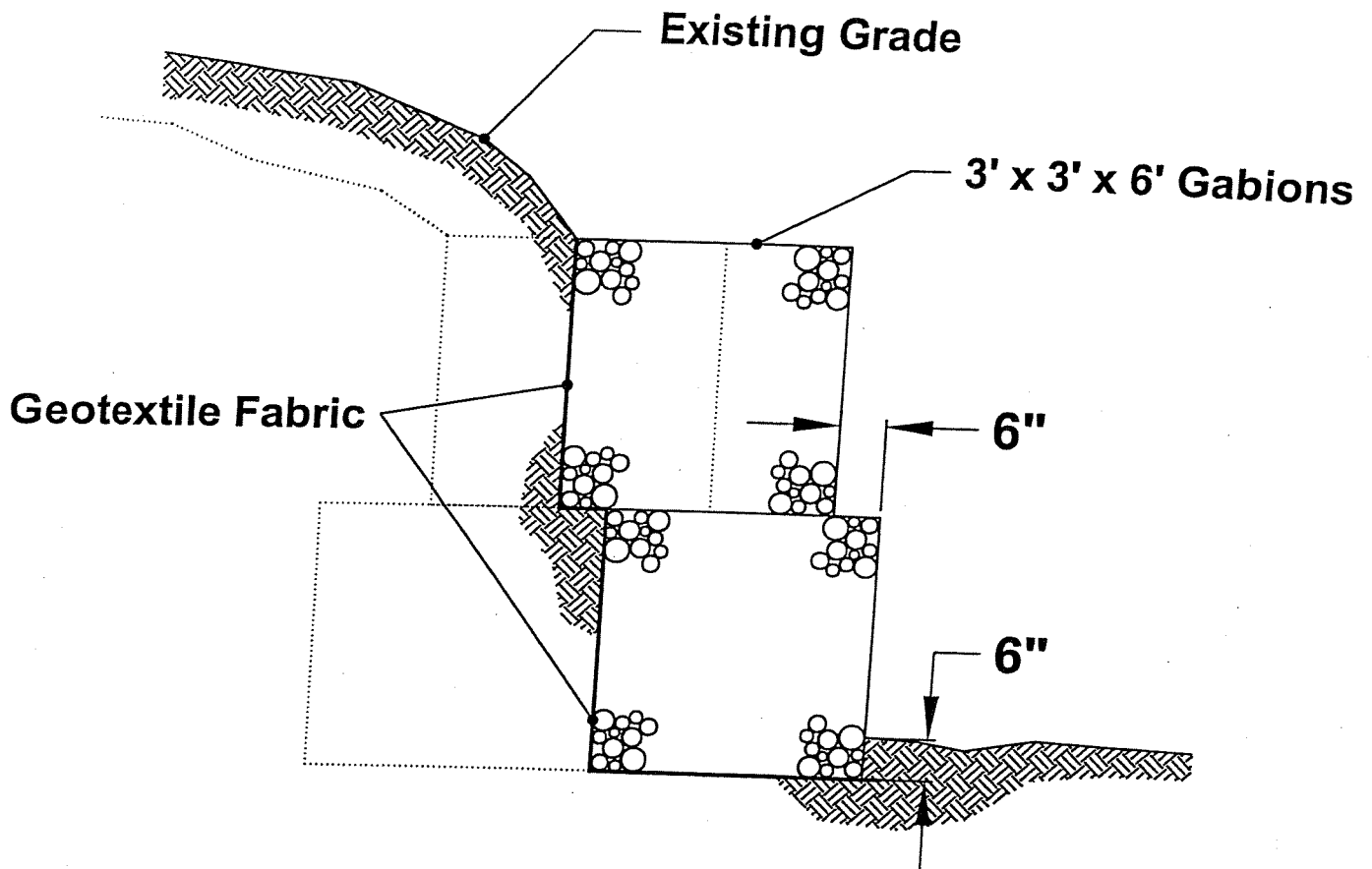
Cross-Section View of Work
 Site #1, Showing Proposed
 Cleaning of Existing
 Channel Bed (Not
 to Scale)



Plan View of Worth Site #2,
Showing Existing Channel to
be Cleaned and Re-Shaped,
and Showing Area of Wall
Replacement with a Gabion
Wall (Not to Scale)



Cross-Section View of Work
Site #2, Showing Reshaping of
Existing Channel Banks and
Proposed Improvement of
Channel Bed (Not to Scale)



Cross-Section View of Work
Site #2, Showing Gabion
Wall Installation, to
Replace Existing Retaining
Wall (Not to Scale)

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